

forcing the observance of the provisions of this Act, be it enacted, with regard to any buildings, drains, timber buildings, chimneys and flues, party-walls, party fence-walls, external walls and projections, and every other part of every building of every class, or rate of any class, which shall be hereafter built, rebuilt, enlarged, or altered, within the limits of this Act, contrary to the provisions hereof, so far as relates to the removal thereof, that if the same be not built, rebuilt, enlarged, or altered in the manner and in the materials, and in every other respect according to and in conformity with the several rules and directions which are in this Act particularly specified, and if any person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or use or cause to be used, any part of any ground or building, projection, drain, or other thing contrary thereto, and if in either of such cases it so appear by the certificate of the official referees, then the said building, projection, drain, or other thing, or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or so used, shall be deemed a nuisance; and that thereupon it shall be the duty of the surveyor and he is hereby directed to summon the builder before any two justices of the peace; and that if at the time and place appointed on such summons such builder fail to appear, then it shall be lawful for the said justices and they are hereby authorized to issue a warrant under their hands and seals to compel such builder to appear before such justices; or any other two justices; and that thereupon it shall be the duty of such builder and he is hereby required to enter into a recognizance, in such sum as the said justices shall appoint, for abating and taking down the same within such convenient time as the said justices shall respectively appoint, or otherwise for amending the same according to such rules and directions as are herein contained, and also for paying the costs, charges, and expenses incurred by the surveyor in laying the information and obtaining the conviction, including such compensation for the surveyor's loss of time as the said justices shall think fit; and that if the party so required fail to enter into such recognizance, then it shall be lawful for either of such justices or any justice, and they are hereby required, to commit such builder to the common goal of the city, county, or liberty where the offence shall be committed, there to remain without bail or mainprize until he shall have entered into such recognizance as aforesaid, or until such irregular building shall have been abated or demolished or otherwise amended, or such nuisance shall be abated or demolished by order of such justices respectively (which order the said justices are hereby empowered to make), and until the costs, charges, and expenses thereof, and of all operations and proceedings in relation thereto, shall have been paid; and further, that if application be made to any two or more justices, then thereupon it shall be their duty, and they are hereby empowered, to order the surveyor or any other person to abate or demolish such nuisance, and to order the persons authorized by them so to abate or demolish the same to sell and dispose of the materials thereof, and out of the moneys arising by such sale to pay to themselves, and all persons by them employed for such purpose, the reasonable charges for abating or demolishing such nuisance, and also such costs and expenses as aforesaid, and to pay the surplus moneys arising by such sale (if any) to such owner of the building as the official referees shall determine to be entitled thereto; and that if the moneys arising by such sale be not sufficient to pay such charges, then it shall be the duty of the person entitled to the immediate possession of such building, or the occupier, to make good the deficiency, subject to reimbursement as hereinafter provided; and if he fail, then he shall be liable to the same remedies for the recovery thereof as are by this Act provided concerning the expense of taking down ruinous buildings, and putting up boards for the safety of passengers.

Fifty Shillings Penalty on Workmen Offending—Imprisonment.

19. And be it enacted, with regard to any building or work, so far as relates to the nonobservance of the provisions of this Act in that behalf by workmen and others, that if any workman, labourer, servant, or other person employed in any building, or in the alteration, fitting up, or decoration of any building, wilfully, and without the direction, privity, or consent of the person causing such work to be done, do any thing in or about such building contrary to the rules and directions of this Act, then upon conviction thereof before any two justices of the peace, upon the oath of one or more credible witnesses or witnesses (which oath the said justices are hereby empowered and required to administer), every such offender shall be liable to forfeit for every such offence a sum not exceeding fifty shillings; and that if upon or immediately after such conviction any such forfeiture be not paid, then it shall be the duty of any two justices of the peace to whom application shall be made to commit the offenders, by warrant under the hand and seal of such justices, to the common goal for any term not exceeding one month, at the discretion of such justices.

ADJOINING PROPERTIES—PARTY WALLS—PARTY FENCE—INTERMIXED BUILDINGS.

Execution of Works.

20. And forasmuch as from time to time occasion hath arisen and will hereafter arise to execute the following works in relation to adjoining buildings and premises parted by the same party-wall or party fence-wall, but belonging to different owners or occupied by different persons, or to buildings intermixed be-

longing to different owners or occupied by different persons, namely,

The reparation of the party-walls by which such premises shall be parted:

The pulling down and rebuilding of such party-walls:

The raising of such party-walls:

The reparation of party fence-walls:

The rebuilding of such party fence-walls:

The raising of such party fence-walls:

The pulling down of timber partitions which part buildings the property of different owners or occupied by different persons, and building in lieu thereof proper party-walls:

The pulling down of buildings built over public ways, or having rooms or stories the property of different persons, or occupied by different persons, lying intermixed, for the purpose of building proper party-walls or party-arches:

And generally the performance of other necessary works incident to the connection of such party-walls or party fence-walls with the premises adjoining; it is expedient to make provision, as well for facilitating the execution of such works by any such owner desirous to execute the same (who is herein denominated the "building owner"), as for protecting the interests of the owner of the adjoining premises (who is herein denominated the "adjoining owner"); now for that purpose be it enacted, with regard to all premises parted by a party-wall or party fence-wall, or parted by timber partitions, and with regard to all intermixed properties not so parted, so far as relates to the execution of any such works by any owner of any such premises, that if the adjoining owner shall have consented thereto, or if, without such consent, the required notice of such work shall have been given by or on the part of the building owner to such adjoining owner, then, subject to such modification as shall be made by virtue of the provision in that behalf, and subject to the provision for supplying the want of consent of the owners, and subject moreover to the respective conditions hereby prescribed with regard to such works respectively, as well as to the payment of the costs of such works, and to the sanction or to the award of the surveyors or of the official referees, as hereby prescribed in reference thereto, it shall be lawful for every such building owner and he is hereby authorized or required to execute such works.

Consent of or Notice to adjoining Owner.

21. And be it enacted, with regard to such works, so far as relates to the notice thereof, that, unless the adjoining owner consent thereto, it shall not be lawful for the "building owner," to execute such works until he have given notice thereof to such "adjoining owner;" and every such notice with regard to the pulling down, rebuilding, or repairing of party-walls or party fence-walls must be given three months at the least before the work is to be commenced; and every such notice with regard to the pulling down and rebuilding intermixed walls and timber partitions must be given three months at the least before such work is to be commenced; and every such notice must be in the form onto the effect of the notice (No. 8.) for that purpose contained in the Schedule of Notices hereunto annexed.

Modification of Work to suit adjoining Owner—Modification of Operations—Application to Official Referees—Authority to build.

22. And be it enacted, with regard to every such work, so far as relates to the modification thereof, in order to render it suitable to the premises of the adjoining owner or his tenant, that if the adjoining owner, at any time within two months after the receipt of the said notice from the building owner, give notice of his desire that any modification be made in the work, so as to render it suitable to his premises, according to the form (No. 18.) in the Schedule of Notices, or to the like effect, then within seven days after the receipt of such notice it shall be the duty of the building owner, and he is hereby required, to signify his consent to or dissent from such modification or delay; and that if the building owner dissent from, or do not within such seven days signify his consent to such modification, then it shall be lawful for the adjoining owner and he is hereby entitled to require the building owner not to commence the work until the official referees shall have determined thereon; and that if within seven days thereafter application be made in writing to the official referees, according to the form (No. 19.) in the Schedule of Notices, or to the like effect, and notice thereof be given to the building owner, according to the other form (No. 20.); then within ten days after such application it shall be the duty of the official referees to signify their decision thereon, and it shall be the duty of the building owner not to commence the work till the decision of such official referees shall have been given; and that if within the period of three months from the date of the first notice such adjoining owner do not make any objection or any requisition in conformity with this enactment, then, subject to the provisions of this Act with regard to such works, it shall be lawful for the building owner and he is hereby authorized to proceed to execute the same.

Delay of Work to suit adjoining Owner—Delay of Operations—Application to Official Referees—Authority to build.

23. And be it enacted, with regard to every such work, so far as relates to the modification thereof, in order to render it suitable to the premises, or to the convenience of the adjoining owner or his tenant, that if the adjoining owner, at any time within three months after the receipt of the said notice from the building owner, give notice of his desire that the work be delayed, so as to cause it to be executed at a more seasonable or a more convenient time in

reference to the business or to the family or domestic arrangements of such adjoining owner or his tenants, according to the form (No. 18.) in the Schedule of Notices, or to the like effect, then within seven days after the receipt of the notice thereof it shall be the duty of the building owner and he is hereby required to signify his consent to or dissent from such modification or delay; and that if the building owner do not within such seven days signify his consent to such modification or delay, then it shall be lawful for the adjoining owner and he is hereby entitled to require the building owner to delay the work until the official referees shall have determined thereon; and that if within seven days thereafter application be made in writing to the official referees, according to the form (No. 19.) in the Schedule of Notices, or to the like effect, and notice thereof be given to the building owner, according to the other form (No. 20.), then within ten days after such application it shall be the duty of the official referees to signify their decision thereon, and it shall be the duty of the building owner to delay the same till the decision of such official referees shall have been given; and that if within the period of three months from the date of the first notice such adjoining owner do not make any objection or any requisition in conformity with this enactment, then, subject to the provisions of this Act with regard to such works, it shall be lawful for the building owner and he is hereby authorized to proceed to execute the same.

Supplying Want of Consent of adjoining Owners—Notice of Inspection by Surveyor—Notice to Parties—Confirmation by Official Referees—Proceedings on Appeal against Certificate—Notice by Official Referees—Survey—Award—Works authorized.

24. And be it enacted, with regard to any such works hereby authorized to be done in relation to party-walls, party-arches, party fence-walls, or other such structures belonging to the owners of adjoining buildings or parting adjoining premises, so far as relates to supplying the want of consent of the adjoining owners, that if the adjoining premises be unoccupied, or if the owner thereof cannot be found, or if the owner although found cannot, by reason of legal disability or otherwise, consent to the work, or if the owner will not consent thereto, or if differences arise amongst the parties concerned, then the notice required to be given in respect of such work must be served both on the surveyor and on the official referees, in addition to such other parties entitled to notice under this Act upon whom such notice can be served, which must be according to the form (No. 9.) in the Schedule of Notices, or to the like effect; and that forthwith on the receipt of such notice it shall be the duty of the surveyor and he is hereby required to give notice to the parties by whom such work is to be executed, and to any one or more surveyors or other agents by them appointed, as to the day and hour when he will view the premises, according to the form (No. 10.) in the Schedule of Notices, or to the like effect; and at such time it shall be the duty of the surveyor of the district and he is hereby authorized to proceed to inspect such premises accordingly, and to certify to the official referees,

First, whether such work ought to be done or not; and

Secondly, if the same ought to be done, whether it ought to be done in the proposed manner; and

Thirdly, the site whereon the party-wall shall be built; and, with regard to intermixed buildings, what party-arches may be necessary over or under any rooms of such buildings so intended to be rebuilt; and

Fourthly, the quantity of the soil or ground or other parts of the premises (if any) necessary to be laid to or taken from the house of the person desirous to rebuild to the house of the person permitting him to erect a party-wall or party-arch; and

Fifthly, the compensation (if any) which should be made and paid by either the building owner or the adjoining owner to the other in lieu of the lessening either of the said buildings by such party-wall or party-arch, or as a satisfaction for such other injury (if any) as shall be done or occasioned thereby to any of the said parties;

And that upon the receipt of such certificate it shall be the duty of the official referees, and they are hereby required, to cause notice thereof to be given to the parties or to such of them as are known; and that if within seven days after such notice to the parties the certificate be not appealed against, and if the official referees be of opinion that the work is proper to be done, and the compensation is fair, then it shall be lawful for the official referees to confirm such certificate, and to authorize the building owner to proceed with the works as if the consent of the adjoining owner had been obtained; and that if any party concerned shall appeal against the certificate of the surveyor as to the work to be done, or as to the compensation, or as to any other matter referred to in such certificate in pursuance of the above provisions, then it shall be the duty of the official referees, and they are hereby required, to appoint one of their number to survey the building in question; and for that purpose it shall be the duty of the official referees so appointed, and he is hereby required, to give notice to the parties, and to any one or more surveyors or other agents by them appointed, as to the time when he will view the premises; and that at such time it shall be the duty of such referee and he is hereby authorized to view such premises accordingly, and to inquire into the matters appealed against, and to certify to the official referees his opinion thereon; and that upon such certificate being made it shall be lawful for the official referees to make their award, thereby either confirming or reversing or modifying, as to

[For continuation see SUPPLEMENT.]